

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY REILLY,

Petitioner,

v.

PAUL THOMPSON,

Respondent.

Case No. 2:21-cv-00377-TLN-JDP (HC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO COMPLY WITH LOCAL  
RULES

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On May 11, 2021, respondent filed a motion to dismiss this case. ECF No. 8. In violation of Local Rule 230(l), petitioner failed to timely file an opposition or statement of non-opposition to respondent's motion. Accordingly, on June 22, 2021, petitioner was ordered to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to comply with the court's local rules. ECF No. 9. I notified petitioner that if he wished to continue this lawsuit, he also needed to file, within twenty-one days, an opposition or statement of non-opposition to respondent's motion. *Id.* I warned him that failure to comply with the June 22 order would result in a recommendation that this action be dismissed.

The deadline has passed, and petitioner has not filed an opposition or statement of non-opposition to respondent's motion nor otherwise responded to the June 22, 2021 order.

1           Accordingly, it is hereby RECOMMENDED that:

2           1. this action be dismissed for failure to prosecute, failure to comply with court orders,  
3 and failure to comply with the court's local rules; and  
4           2. the Clerk of Court be directed to close the case.

5           These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
10 objections shall be served and filed within fourteen days after service of the objections. The  
11 parties are advised that failure to file objections within the specified time may waive the right to  
12 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
13 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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15 IT IS SO ORDERED.

16 Dated: July 25, 2021

  
17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE

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